

**FARMLAND PROTECTION  
POLICY ACT  
ANNUAL REPORT  
FOR  
FY 2014**

REPORT FROM THE SECRETARY OF AGRICULTURE

TO THE COMMITTEE ON  
AGRICULTURE, NUTRITION, AND FORESTRY  
UNITED STATES SENATE

AND

THE COMMITTEE ON AGRICULTURE  
UNITED STATES HOUSE OF REPRESENTATIVES

**April 2015**

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The fiscal year (FY) 2014 Farmland Protection Policy Act Annual Report consists of three components:

- I. Progress of Federal agencies in implementing Farmland Protection Policy Act;
- II. Review and revision of Federal policies and procedures affecting farmland conversion; and
- III. Federal, State, and local efforts to protect farmland.

## **I. Progress of Federal Agencies in Implementing Farmland Protection Policy Act**

Under the Farmland Protection Policy Act (FPPA), Federal agencies are required to evaluate the impacts of federally funded projects that may involve permanently converting prime and important farmlands to nonagricultural uses and to consider alternative actions that would lessen the adverse effects of the land's conversion. In complying with the FPPA, Federal agencies request assistance from the Natural Resources Conservation Service (NRCS) by submitting a Farmland Conversion Impact Rating Form (Form AD-1006). The requesting agency then conducts a Land Evaluation and Site Assessment (LESA) of the project area. NRCS provides the land evaluation information necessary for the responsible Federal agency to complete the site assessment portion of the analysis.

(Q: where was this addressed?)

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is available for these uses (the land could be cropland, pastureland, rangeland, forestland, or other land, but not urban built-up land or water). Land used for a specific high-value food or fiber crop is classified as "unique farmland." Generally, additional "farmlands of statewide importance" include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. In some local areas, there is concern for certain additional farmlands, even though these lands are not identified as having national or statewide importance. These farmlands are identified as being of "local importance" through ordinances adopted by local government. The NRCS State Conservationist reviews and certifies lists of farmland of State and local importance. These lists, along with State and locally established LESA systems where applicable, are used by Federal agencies to review and evaluate activities that may impact farmland.

According to data from the 2010 U.S. Department of Agriculture (USDA) National Resources Inventory (NRI), about 13 million acres of prime farmland was converted from agricultural use by urban, sub-urban, and infrastructure development in the 28 years from 1982 to 2010. This prime farmland accounted for about 30 percent of the total land that was converted. More than 80 percent of the conversions of prime farmland for the 28-year period occurred from 1987 to 2007. The rate at which prime farmland was converted decreased from an average of over 500,000 acres per year during the period from 1997 to 2002 to an average of nearly 300,000 acres per year during the period from 2007 to 2010. For more information about the NRI, visit <http://www.nrcs.usda.gov/technical/NRI/>.

As defined in 7 CFR part 657, important farmland encompasses prime and unique farmland, as well as farmland of statewide and local importance. Table 1 summarizes the proportion and amount of important farmland considered for conversion as a part of Federal projects under FPPA in fiscal years 2005 through 2014.

**Table 1.—Important Farmland Evaluated under FPPA 2005–2014**

<b>Fiscal Year</b>	<b>Important Farmland (within land evaluated)</b>	<b>Percent Important Farmland (of total land evaluated)</b>	<b>Agencies Submitting Requests</b>
	<i>Acres</i>	<i>% Total Acres</i>	<i>No. of Agencies</i>
2005	73,007	67%	25
2006	65,989	62%	26
2007	74,220	39%	25
2008	87,902	71%	25
2009	58,106	67%	23
2010	54,103	38%	30
2011	99,386	49%	29
2012	36,146	33%	33
2013	245,972	60%	33
2014	106,136	67%	32

In fiscal year 2014, NRCS received 2,608 AD-1006 forms from 32 Federal agencies requesting assistance to evaluate the impact of proposed conversions of lands that would result from their projects. A total of 158,323 acres of land from 43 States were proposed for conversion to nonagricultural uses. Of the acres reviewed, 67% (106,136 acres) were identified as important farmland (as defined in 7 CFR part 657). Of these important farmlands, 75,437 acres were prime farmland or unique farmland and 30,699 acres were State or locally important farmland.

North Carolina and Virginia had the highest number of farmland acres proposed for conversion, with 39,439 acres and 31,819 acres, respectively. Nine States reported no acres, and 12 States reported less than 100 acres (Tables 2 and 3).

In FY 2014, the Federal Highway Administration reported the largest amount of important farmland proposed for conversion, 88,009 acres. This accounts for more than 80 percent of all proposed important farmland conversion (Table 4).

**Table 2.—Top 10 States with Acres of Farmland Proposed for Conversion by Federal Projects**

<b>State</b>	<b>Acres</b>
North Carolina	39,439
Virginia	31,819
Texas	8,054
Illinois	4,185
Indiana	4,111
Oklahoma	2,170
Arkansas	1,775
Louisiana	1,453
Missouri	1,439
Washington	1,223

**Table 3.—Acres of Farmland Proposed by State for Conversion Due to Federal Projects**

State	Total acres proposed by State	Total acres proposed by State as a percentage of total acres proposed nationwide	Acres of important farmland proposed by State	Acres of important farmland proposed by State as a percentage of acres of important farmland proposed nationwide
AK	3	0.00%	0	0.00%
AL	1,467	0.93%	184	0.17%
AR	2,427	1.53%	1,775	1.67%
AZ	874	0.55%	821	0.77%
CA	598	0.38%	401	0.38%
CO	0	0.00%	0	0.00%
CT	22	0.01%	1	0.00%
DE	17	0.01%	15	0.01%
FL	1,858	1.17%	866	0.82%
GA	384	0.24%	243	0.23%
HI	1	0.00%	1	0.00%
IA	688	0.43%	672	0.63%
ID	2	0.00%	2	0.00%
IL	4,247	2.68%	4,185	3.94%
IN	21,191	13.38%	4,111	3.87%
KS	1,049	0.66%	957	0.90%
KY	1,909	1.21%	392	0.37%
LA	2,120	1.34%	1,453	1.37%
MA	0	0.00%	0	0.00%
MD	0	0.00%	0	0.00%
ME	3	0.00%	3	0.00%

State	Total acres proposed by State	Total acres proposed by State as a percentage of total acres proposed nationwide	Acres of important farmland proposed by State	Acres of important farmland proposed by State as a percentage of acres of important farmland proposed nationwide
NC	46,595	29.43%	39,439	37.16%
ND	67	0.04%	29	0.03%
NE	702	0.44%	196	0.18%
NH	44	0.03%	42	0.04%
NJ	120	0.08%	1	0.00%
NM	0	0.00%	0	0.00%
NV	0	0.00%	0	0.00%
NY	653	0.41%	531	0.50%
OH	963	0.61%	82	0.08%
OK	4,238	2.68%	2,170	2.04%
OR	1,193	0.75%	1,064	1.00%
PA	1,289	0.81%	563	0.53%
PR	0	0.00%	0	0.00%
RI	0	0.00%	0	0.00%
SC	335	0.21%	201	0.19%
SD	1,150	0.73%	848	0.80%
TN	350	0.22%	86	0.08%
TX	8,828	5.58%	8,054	7.59%
UT	604	0.38%	228	0.21%
VA	32,364	20.44%	31,819	29.98%
VT	874	0.55%	253	0.24%

<b>MI</b>	208	0.13%	136	0.13%
<b>MN</b>	647	0.41%	442	0.42%
<b>MO</b>	3,077	1.94%	1,439	1.36%
<b>MS</b>	12,573	7.94%	92	0.09%
<b>MT</b>	215	0.14%	215	0.20%

<b>WA</b>	1,425	0.90%	1,223	1.15%
<b>WI</b>	924	0.58%	879	0.83%
<b>WV</b>	25	0.02%	25	0.02%
<b>WY</b>	0	0.00%	0	0.00%
<b>Totals</b>	<b>158,323</b>	<b>100.0%</b>	<b>106,136</b>	100.00%

**Table 4.—Breakdown of Acres and AD-1006 Forms Received by Federal Agencies in FY 2014**

Federal Agency	No. of AD-1006 requests to NRCS	No. of acres proposed for conversion	No. of acres identified as important farmland	Of which:	
				Prime or unique	State or locally important
Department of Agriculture					
• Farm Service Agency	128	1,843	496	370	126
• Natural Resources Conservation Service	96	940	592	587	5
• Rural Development	478	5,534	3,022	1,648	1,374
• Rural Utilities Service	153	1,156	746	433	313
Department of Commerce					
• Economic Development Administration	22	634	566	401	165
Department of Defense					
• Army National Guard	1	37	37	0	37
• Department of Army	2	300	133	133	0
• U.S. Army Corps of Engineers	18	14,756	1,370	1,347	22
• Others (unspecified agencies)	4	283	283	115	168
Department of Energy	6	20	20	14	6
Department of Health and Human Services					
• Indian Health Service	36	119	63	56	6
• National Institutes of Health	1	0	0	0	0
• Others (unspecified agencies)	5	0	0	0	0
Department of Homeland Security					
• Federal Emergency Management Agency	101	38	23	7	16
• Others (unspecified agencies)	2	52	52	33	19
Department of Housing and Urban Development	401	4,894	3,324	2,672	652
Department of Interior					
• Bureau of Indian Affairs	50	239	103	62	42
• National Park Service	6	2	2	2	0
• Office of Surface Mining	3	104	21	21	0
• Others (unspecified agencies)	2	49	46	39	6
Department of Transportation					
• Federal Aviation Administration	49	3,558	2,159	1,300	858
• Federal Highway Administration	534	99,690	88,009	62,490	25,519
• Federal Railroad Administration	7	16,968	1,768	1,110	658
• Federal Transit Administration	3	1,145	72	72	0
• Others (unspecified agencies)	347	5,232	2,796	2,249	547
Department of the Treasury	1	1	1	0	0
Department of Veterans Affairs	5	326	277	170	107
Environmental Protection Agency	133	397	152	100	52

<i><b>Federal Communications Commission</b></i>	6	4	4	3	1
<i><b>Federal Energy Regulatory Commission</b></i>	1	2	0	0	0
<i><b>General Services Administration</b></i>	1	0	0	0	0
<i><b>Internal Revenue Service</b></i>	6	6	6	5	1
<b>TOTAL</b>	<b>2,608</b>	<b>158,323</b>	<b>106,136</b>	<b>75,437</b>	<b>30,699</b>



## II. Review and Revision of Federal Policies and Procedures Affecting Farmland Conversion

Based on ongoing reviews, there were no revisions of Federal policies and procedures affecting farmland conversion. To simplify completion of required forms for projects that impact important farmland, NRCS developed and released PDF (portable document format) versions of two important forms: Farmland Conversion Impact Rating (Form AD-1006) and Farmland Conversion Impact Rating for Corridor Type Project (Form NRCS-CPA-106). These fillable forms are updated regularly and can be downloaded from the FPPA section of the NRCS Web site: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>.

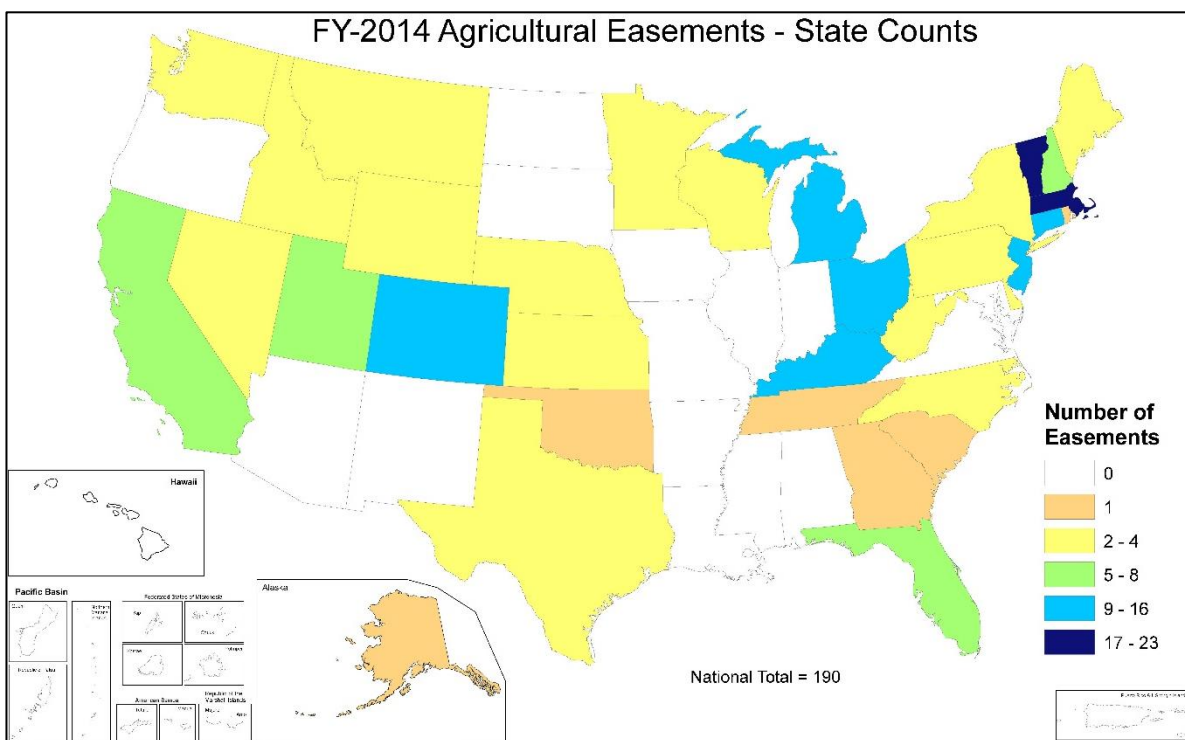
## III. Federal, State, and Local Effort to Protect Farmland

### Agricultural Land Easements

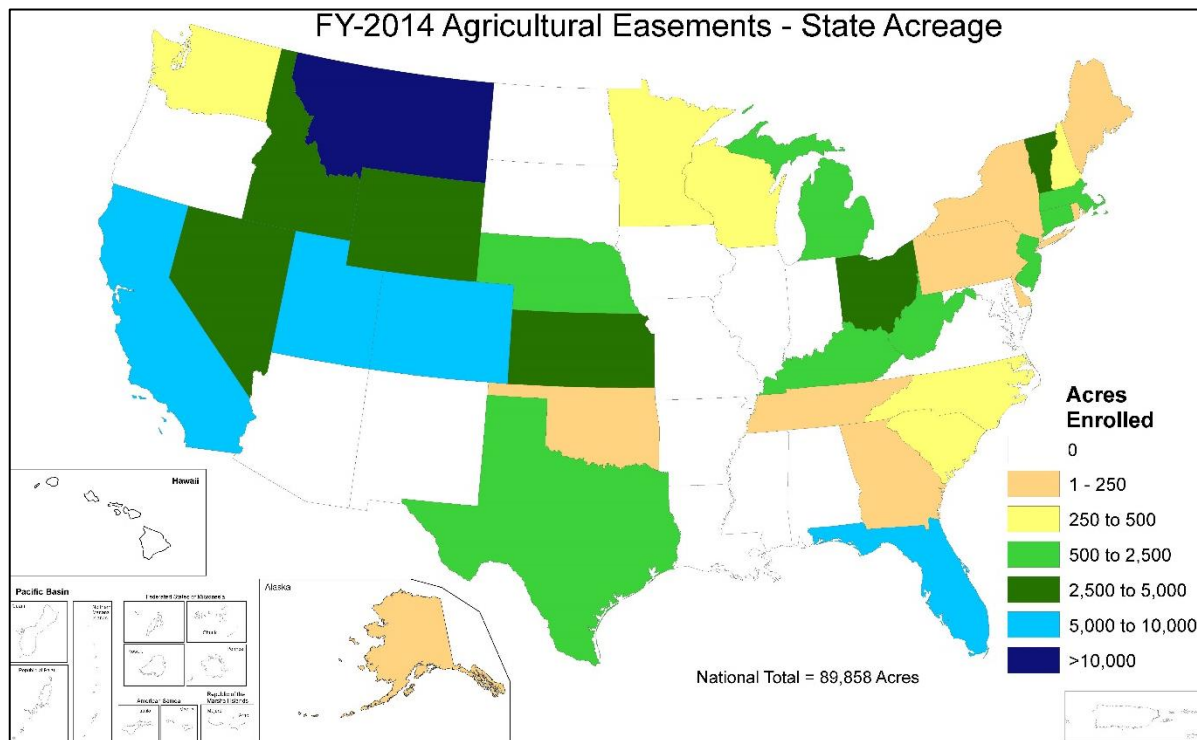
The Agricultural Land Easements (ALE) program is a component of the new Agricultural Conservation Easement Program (ACEP) authorized in the 2014 Farm Bill. ALE enables NRCS to help “Indian tribes, State and local governments, and non-governmental organizations protect working agricultural lands and limit non-agricultural uses of the land.”

Nearly 90,000 acres in 34 States were enrolled under ALE in FY 2014. Figures 1 and 2 illustrate the number of lands and acres enrolled under the program. Additional information on ALE is available at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/wi/programs/easements/acep/>.

**Figure 1.—FY-2014 Agricultural Land Easements, Count by State**



**Figure 2.—FY 2014 Agricultural Land Easements, Acres by State**



### **Farmland Information Center**

Since 1994, the USDA Natural Resources Conservation Service (NRCS) and American Farmland Trust (AFT) have entered into contribution agreements to fulfill the public education role related to farmland protection outlined in the FPPA. AFT developed and oversees the Farmland Information Center (FIC) with support from NRCS. The FIC offers a staffed answer service and online collection of resources at [www.farmlandinfo.org](http://www.farmlandinfo.org). In addition, FIC staff develop educational materials, monitor and report on farmland protection activities nationwide through surveys of existing programs and policies, and provide indepth research assistance to key stakeholders. In FY 2014, NRCS contributed \$100,000 to this project.

### **Key Activities of FIC in Fiscal Year 2014**

#### **Answer Service and Web Site**

During FY 2014, FIC staff provided direct technical assistance to 307 individuals from 45 States, the District of Columbia, Canada, and South Africa; and 25,573 users of the FIC Web site generated 32,941 sessions (an average of 90 sessions per day) and 109,013 page views. The FIC Web site ([www.farmlandinfo.org](http://www.farmlandinfo.org)) was upgraded in 2013 to incorporate new search capabilities and improved access to resources and statistics on farmland protection. FIC staff developed pages presenting analysis of data from the 2012 Census of Agriculture and the 2010 National Resources Inventory (NRI). Updates to the Landowner Options section of the Web site included information about the Agricultural Conservation Easement Program—Agricultural Land Easements (ACEP-ALE) program and other Federal conservation programs. FIC staff continued to add sample documents, information on laws and programs related to agricultural easements, resources for beginning farmers, materials about farmland protection plans, and entries to the Farmland Protection Directory.

The following is a sampling of technical assistance provided this year. FIC staff:

- supplied the Agrarian Trust and National Young Farmers Coalition with results from a series of surveys of landowners who own protected farmland. The results showed how land that is protected by public farmland protection programs keeps land available for agriculture.
- supplied NRI data and information about State-level PACE programs to the *Herald Mail* for a story about an important milestone for the Pennsylvania PACE program.
- provided a nonprofit organization in Iowa with advice about assessing the capacity for permanent farmland protection and with information about PACE programs, funding mechanisms, and examples of State PACE statutes. The information was used for a meeting with State lawmakers.
- provided information regarding statutes from several New England States regarding definitions of “local” and “native.” The information was used for marketing foods to be included in the report *New England Food Policy: Building a Sustainable Food System*.
- advised Soil and Water Conservation District staff in Oregon on steps to implement an agricultural land trust.
- provided information and online resources to a beginning farmer seeking to lease land for a small livestock operation in Pennsylvania. The assistance communicated local and State resources.

## Educational Materials

In 2014, FIC staff developed fact sheets and infographics based on the most recent information from their survey of State-level Purchase of Agricultural Easement (PACE) programs, the 2010 NRI, the 2012 Census of Agriculture, the 2013 Economic Research Service Urban Influence Codes, and other data sources. These resources make data readily available and help make the case for farmland protection. For examples, see Attachment A.

FIC staff also updated the Farm and Ranch Lands Protection Program (FRPP) fact sheet, which includes a table of final FRPP allocations by State and year through fiscal year 2013 (Attachment B). The fact sheet was posted on the FIC Web site. In FY 2015, FIC staff will develop an ACEP-ALE fact sheet to replace the FRPP fact sheet and to reflect program changes detailed in the Interim Final Rule published February 27, 2015.

The most frequently viewed FIC resources in FY 2014 were: the Farmland Protection Directory (3,224 page views), the report *Impacts of the Federal Farm and Ranch Lands Protection Program: An Assessment Based on Interviews with Participating Landowners* and its summary (1,797 page views), and the Status of State PACE Programs 2013 fact sheet (807 page views). Other frequently visited FIC resources included 2007 NRI Resources (1,020 page views), the Agricultural Conservation Easement fact sheet (543 page views), and FIC analysis of 2012 Census of Agriculture data (477 page views).

The most frequently downloaded FIC resources were the Estate Planning fact sheet (264 downloads) and the Status of State PACE Programs 2013 fact sheet (227 downloads).

The most visited laws and sample documents on the Web site were Article 97 of the *Constitution of the Commonwealth of Massachusetts*, granting people the right to a clean environment and authorizing the Commonwealth to acquire conservation easements (464 page views); the *Urban Livestock and Beekeeping Ordinance* of Austin, Texas (249 page views); and *Land for Good: Model Short-term Lease* (165 page views). The Farmland Protection Policy Act had 113 page views.

The statistics page was the 2<sup>nd</sup> most visited page on the Web site (after the homepage). The statistics page had 7,350 page views. The FIC Web page that contains information and resources for beginning farmers had 3,299 page views, and the Landowner Options Web page had 1,224 page views.

More than 600 hundred entities link to or cite FIC resources, including the USDA Natural Resources Conservation Service, Virginia Department of Agriculture and Consumer Services, North Carolina Department of Agriculture and Consumer Services, New England Small Farm Institute, and National Agricultural Library: Start to Farm.

## **Farmland Protection Survey**

The FIC completed its annual survey of established State PACE programs. A survey of local PACE programs was not completed in FY 2014 due to lack of funding. Twenty-eight State-level programs had acquired 13,981 easements to protect nearly 2.5 million acres of farmland and ranchland as of January 2014. State programs have invested more than \$3.7 billion to date. Their investment was down 22 percent from the previous year despite the acres protected during 2013 being down 9 percent.

The updated PACE table provides a summary of PACE activity, including easements acquired, acres protected, and funds spent by program (Attachment C). Arizona, Georgia, Hawaii, and Missouri have authorized PACE, but they do not yet have active programs. Tracking PACE program activity enables FIC staff to direct landowners to active programs. Survey results are also used by Federal, State, and local officials, lawmakers, and researchers and the media.

## **Research Assistance**

FIC staff published a report, *Cultivating the Next Generation: Resources and Policies to Help Beginning Farmers Succeed in Agriculture* (Attachment D). The report identified the most significant challenges faced by beginning farmers as finding, affording, and negotiating appropriate farmland to lease or own. The report highlighted policies and programs that support beginning farmers, featured case studies of successful beginning farmers, and offered recommendations for shrinking the gap in resources available to help beginning farmers gain access to land.

Attachment A.—NRI Fact Sheets and Infographics

Attachment B.—FRPP fact sheet

Attachment C.—State PACE table

Attachment D.—*Cultivating the Next Generation: Resources and Policies to Help Beginning Farmers Succeed in Agriculture*

(Q: Are these attachments supposed to be with the package?)